Finding experienced vineyard labor can be a challenging task for many vineyard owners. A large number of resident and absentee Napa Valley property owners rely on Farm Labor Contractors (FLCs) or Vineyard Management Companies (VMCs) to address their infield vineyard labor and cultural operation needs. When choosing to rely on others for the operation of their vineyards, property owners should be aware of the legal requirements associated with this practice.

With the passage by the California Legislature of AB 1897 – The Labor Contracting / Client Liability Act – the responsibility for the adherence to wage and hour regulations, safety training and workers compensation violations are now shared by both the FLC / VMC and the property owner. If this law applies to you, do your due diligence to insure that the FLC / VMC you work with pays proper California wages, carries valid workers compensation insurance, and is compliant with Cal/OSHA regulations. Be aware that “any person/legal entity who, for a fee, employs people to perform work connected to the production of farm products to, for or under the direction of a third person – or, any person/legal entity who recruits, supplies, or hires workers on behalf of someone engaged in the production of farm products and, for a fee, provides board, lodging or transportation for those workers, or supervises, times, checks, counts, weighs, or otherwise directs or measures their work, or disburses wages to those persons must have a valid FLC license”. CA Labor Code

Here are the top 5 practices a vineyard owner who uses an FLC / VMC to farm his/her property should embrace to protect themselves from possible litigation for FLC / VMC noncompliance with current laws:

1. Consider using the FELS Farm Labor Agreement or similar document when hiring an FLC / VMC to farm your property. Make sure that the Agreement has adequate indemnification text.

2. The FLC / VMC should furnish copies of their State and Federal FLC Licenses, plus certificates describing their workers compensation and liability insurance coverage, a County registration form and proof of Labor Payment Bond.

3. Check the California State website for the FLC’s license status - as required by law - and print out the verification for your records.
You should receive copies of pay records and safety training records for individuals who work on your property plus copies of the FLC’s / VMC’s quarterly payroll withholding and workers compensation payments.

Make sure your FLC / VMC has a written safety and heat illness prevention program, complies with the new sexual harassment training requirements, has a compliant sick leave payment policy, and adheres to the ACA requirements (if applicable).

The above information may not keep you free of DIR, DOL, DFEH and Cal/OSHA fines or worker litigation issue but should indicate that the vineyard owner has made a “good faith” effort to confirm FLC / VMC adherence to the law.

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